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The rule of law at the national and international levels

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Interim report of the Secretary-General

Summary

The present interim report, prepared pursuant to General Assembly resolution 61/39, contains preliminary information regarding the inventory of the current activities of the organs, bodies, offices, departments, funds and programmes within the United Nations system devoted to the promotion of the rule of law at the national and international levels, to be submitted to the General Assembly at its sixty-third session.

Section II of the interim report contains information concerning the preparation of the inventory, including the collection of the relevant information. Section III contains a preliminary list of the current rule of law activities within the United Nations system and of the various organs, bodies, offices, departments, funds and programmes engaged in those activities.

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I. Introduction

1. In its resolution 61/39 of 4 December 2006, entitled "The rule of law at the national and international levels", the General Assembly, inter alia, requested the Secretary-General to prepare an inventory of the current activities of the various organs, bodies, offices, departments, funds and programmes within the United Nations system devoted to the promotion of the rule of law at the national and international levels for submission at its sixty-third session, and to submit an interim report thereon to the Assembly for its consideration at its sixty-second session.

2. The present interim report contains information regarding the preparation of the requested inventory, including the procedure for the collection of relevant information, and a preliminary list of the current rule of law activities within the United Nations system and of the offices engaged in those activities. A more detailed description of the activities will be included in the inventory to be submitted to the General Assembly at its sixty-third session.

II. Preparation of the inventory to be submitted at the sixty-third session

3. The first step in the preparation of the inventory consisted of identifying, as a factual matter, the current activities within the United Nations system devoted to the promotion of the rule of law at the national and international levels. For that purpose, the relevant reports and other documents previously issued by the United Nations relating to the promotion of the rule of law were examined.

4. The review of the relevant documentation led to the identification of a broad spectrum of activities undertaken by the United Nations for the promotion of the rule of law at the national and international levels. The objective of the inventory being to provide Member States with a comprehensive and up-to-date information tool on the United Nations involvement in the promotion of the rule of law, these activities were organized into general categories to be used for the purpose of collecting information from the relevant entities within the system.[1] Accordingly, in the light of resolution 61/39, two main categories of activities were identified: those intended to promote the rule of law at the international level, and those intended to promote it at the national level. Under these two main categories, the activities were further divided into subcategories on the basis of the needs of Member States which they were designed to address in the field of promotion of the rule of law.

5. The general categories and subcategories of rule of law activities identified on the basis of this initial review are as follows:

(a) *Activities relating to the promotion of the rule of law at the international level*:

[1] The inventory focuses on those United Nations activities for the promotion of the rule of law at the national and international levels having an operational character (in particular, activities carried out for the benefit of Member States). It does not include activities relating to the internal management of the Secretariat or to the functioning of the organs of the United Nations. See also para. 7 below.

(i) Activities relating to the teaching, dissemination and promotion of international law;

(ii) Activities relating to assistance in the domestic implementation of international law;

(iii) Activities relating to dispute resolution at the international level;

(iv) Activities relating to conflict resolution and transitional justice;

(b) *Activities relating to the promotion of the rule of law at the national level*:

(i) Activities relating to the strengthening of administrative institutions and to public law and governance issues;

(ii) Activities relating to the administration of justice and law enforcement.

6. Under resolution 61/39, the Secretary-General is requested to prepare an inventory of the current rule of law activities performed by "the various organs, bodies, offices, departments, funds and programmes within the United Nations system". The Codification Division of the Office of Legal Affairs identified the offices of the Secretariat, the regional commissions and the United Nations programmes, funds and other bodies to be contacted for the purposes of the preparation of the inventory.

7. As a consequence, the inventory under preparation will essentially aim at providing information regarding the activities performed within the United Nations system at the Secretariat level, rather than the action undertaken by intergovernmental bodies (such as the General Assembly, the Security Council, and the Economic and Social Council) or expert bodies (such as the International Law Commission, monitoring bodies under the various human rights treaties, and so forth), whose activities are widely publicized and well known to Governments.

8. Accordingly, a total of 52 organs, bodies, offices, departments, funds and programmes within the United Nations system were invited to provide relevant information regarding their activities for the promotion of the rule of law (for the complete list, see the annex to the present report).

9. Twelve of the entities contacted indicated that they were not involved in any activity devoted to the promotion of the rule of law.[2]

10. The following 40 entities provided information relating to their activities devoted to the promotion of the rule of law at the national and international levels: the Counter-Terrorism Committee Executive Directorate; the Department of Economic and Social Affairs; the Department of Peacekeeping Operations; the Department of Political Affairs; the Department of Public Information; the Economic and Social Commission for Western Asia (ESCWA); the Economic

[2] These were: the Department for General Assembly and Conference Management; the Department of Management; the Department of Safety and Security; the Economic and Social Commission for Asia and the Pacific; the Office of Central Support Services; the Office of Human Resources Management; the Office of Internal Oversight Services; the Office of Programme Planning, Budget and Accounts; the Office of the Special Adviser on Africa; the United Nations Fund for International Partnerships; the United Nations International Research and Training Institute for the Advancement of Women; and the United Nations Research Institute for Social Development.

Commission for Africa (ECA); the Economic Commission for Europe (ECE); the Economic Commission for Latin America and the Caribbean (ECLAC); the Executive Office of the Secretary-General; the Registry of the International Court of Justice; the Registry of the International Criminal Tribunal for Rwanda; the Registry of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991; the Joint United Nations Programme on HIV/AIDS (UNAIDS); the Legal Liaison Office of the United Nations Office at Geneva; the Office for Disarmament Affairs; the Office for the Coordination of Humanitarian Affairs; the Office of Legal Affairs; the Office of the Special Representative of the Secretary-General for Children and Armed Conflict; the Office of the United Nations High Commissioner for Human Rights (OHCHR); the Office of the United Nations High Commissioner for Refugees (UNHCR); the Office of the United Nations Special Coordinator for the Middle East Peace Process; the United Nations Children's Fund (UNICEF); the United Nations Compensation Commission; the United Nations Conference on Trade and Development (UNCTAD); the United Nations Democracy Fund; the United Nations Development Fund for Women (UNIFEM); the United Nations Development Programme (UNDP); the United Nations Environment Programme (UNEP); the United Nations Human Settlements Programme (UN-Habitat); the United Nations Institute for Disarmament Research; the United Nations Institute for Training and Research (UNITAR); the United Nations Interregional Crime and Justice Research Institute; the United Nations Office for Project Services; the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States; the United Nations Office on Drugs and Crime; the United Nations Population Fund (UNFPA); the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); the United Nations University; and the World Food Programme (WFP).

11. It should be recalled that, in his report entitled "Uniting our strengths: Enhancing United Nations support for the rule of law" (A/61/636-S/2006/980), the Secretary-General established within the Secretariat an inter-agency mechanism, the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General and comprised of principals from key United Nations entities, to provide, at the highest level, overall policy direction, coherence, coordination and quality control of United Nations system-wide rule of law activities. A small but substantive secretariat unit will support the Group and the Deputy Secretary-General as chair of the Group. At the direction of the Deputy Secretary-General, the Unit will seek to identify areas of synergy and facilitate cooperation and coordination among the various United Nations entities, given the disparate range of rule of law activities system wide. It should also be recalled that, as referred to in that report, a division of labour is being established among the key United Nations actors in which designated lead entities will assume clearly defined coordination and other responsibilities for specific areas of rule of law activity.

III. Preliminary list of current rule of law activities within the United Nations system and of the entities engaged in those activities

12. A preliminary list of the current activities within the United Nations system devoted to the promotion of the rule of law and of the entities engaged in those activities is provided below on the basis of the information received at this stage. The inventory to be submitted to the General Assembly at its sixty-third session will provide a more detailed description of these activities, taking into account any additional information received from the relevant entities.[3]

A. Activities relating to the promotion of the rule of law at the international level

1. Activities relating to the teaching, dissemination and promotion of international law

13. Activities relating to the promotion of the signature, ratification and/or application of treaties and other international instruments are performed by the Department of Economic and Social Affairs, the Department of Political Affairs, the Department of Public Information, the Office for Disarmament Affairs, the Office of Legal Affairs, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, OHCHR, UNHCR, UNIFEM and the United Nations Office on Drugs and Crime.

14. Activities relating to the general promotion of international law are performed by the Department of Public Information, the Executive Office of the Secretary-General, the Office of Legal Affairs, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, OHCHR, UNDP, UNEP, the United Nations Office on Drugs and Crime and UNFPA.

15. Activities relating to the provision of technical assistance or advice on international law matters are performed by the International Tribunal for the Former Yugoslavia, the Office for the Coordination of Humanitarian Affairs, the Office of Legal Affairs, OHCHR, UNHCR, UNCTAD, the United Nations Democracy Fund, UNEP, the United Nations Interregional Crime and Justice Research Institute and the United Nations Office on Drugs and Crime.

16. Activities of setting of international standards are performed by OHCHR, UNHCR and the United Nations Office on Drugs and Crime.

17. Activities relating to the provision of material and logistical support for the application of international law are performed by OHCHR and the Office of Legal Affairs.

18. Activities relating to capacity-building (the organization of their participation in training courses, fellowships, seminars or workshops) in international law are performed by the Department of Economic and Social Affairs, the Department of

[3] Subsequent to the submission of the relevant information for the preparation of the inventory, some entities indicated that they performed additional rule of law activities without providing any further information. These additional activities are included in the present interim report on a provisional basis and will be reflected in the final inventory only if the necessary information is provided by the entities concerned in a timely manner.

Peacekeeping Operations, the Department of Political Affairs, ESCWA, ECA, the International Criminal Tribunal for Rwanda, the Legal Liaison Office of the United Nations Office at Geneva, the Office for Disarmament Affairs, the Office of Legal Affairs, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, OHCHR, UNHCR, the Office of the United Nations Special Coordinator for the Middle East Peace Process, UNCTAD, UNIFEM, UNDP, UNEP, UNITAR, the United Nations Interregional Crime and Justice Research Institute, the United Nations Office on Drugs and Crime, UNFPA, UNRWA, UNU and WFP.

19. Activities relating to the publication of materials in international law (dissemination) are performed by the Department of Economic and Social Affairs, the Department of Political Affairs, the Department of Public Information, ESCWA, the International Court of Justice, UNAIDS, the Office for Disarmament Affairs, the Office of Legal Affairs, OHCHR, UNHCR, UNCTAD, UNDP, UNEP, the United Nations Institute for Disarmament Research, the United Nations Interregional Crime and Justice Research Institute, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the United Nations Office on Drugs and Crime, UNFPA and UNU.

20. Activities relating to the publication of electronic and audio-visual tools and databases in international law (dissemination) are performed by the Department of Public Information, the International Court of Justice, the International Tribunal for the Former Yugoslavia, the Office of Legal Affairs, OHCHR, UNHCR, UNCTAD, UNEP and the United Nations Office on Drugs and Crime.

21. Activities relating to the provision of general information about international law and United Nations activities are performed by the Department of Political Affairs, the Department of Public Information, the International Court of Justice, the Legal Liaison Office of the United Nations Office at Geneva, the Office of Legal Affairs, OHCHR and UNCTAD.

2. Activities relating to assistance in the domestic implementation of international law

22. Activities relating to capacity-building in the domestic implementation of international law are performed by ECA, the Department of Peacekeeping Operations, the Department of Political Affairs, UNAIDS, the Office for Disarmament Affairs, the Office for the Coordination of Humanitarian Affairs, the Office of Legal Affairs, OHCHR, UNHCR, UNCTAD, UNIFEM, UNEP, UN-Habitat, UNITAR, the United Nations Interregional Crime and Justice Research Institute, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States and the United Nations Office on Drugs and Crime.

23. Activities relating to monitoring, collection of information and/or reporting on the domestic implementation of international law are performed by the Office of Legal Affairs, OHCHR, UNHCR and UN-Habitat.

24. Activities relating to dissemination (preparation of manuals, model rules and other types of general guidelines) concerning the domestic implementation of international law are performed by the Department of Economic and Social Affairs, the Department of Political Affairs, ECA, UNAIDS, the Office of Legal Affairs,

OHCHR, UNHCR, the Office of the United Nations Special Coordinator for the Middle East Peace Process, UNCTAD, UNEP, UN-Habitat, the United Nations Institute for Disarmament Research, UNITAR, the United Nations Interregional Crime and Justice Research Institute and UNFPA.

25. Activities relating to the provision of technical assistance in the preparation of national legal instruments for the domestic implementation of international law are performed by the Department of Peacekeeping Operations, the Department of Political Affairs, UNAIDS, the Office for Disarmament Affairs, the Office of Legal Affairs, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, OHCHR, UNHCR, UNCTAD, UNIFEM, UNDP, UNEP and the United Nations Office on Drugs and Crime.

26. Activities relating to the implementation of programmes combining training, awareness-raising, support for national monitoring entities, development of tools, etc. for the domestic implementation of international law are performed by the Department of Political Affairs, OHCHR, UNIFEM, UNDP and the United Nations Office on Drugs and Crime.

27. Activities relating to general promotion of the domestic implementation of international law are performed by the Department of Political Affairs, ESCWA, ECA, the Office for Disarmament Affairs, OHCHR, the United Nations Democracy Fund, UNIFEM, UNFPA and UN-Habitat.

28. Activities relating to the provision of material and logistical support for the domestic implementation of international law are performed by UNHCR.

29. Activities relating to the strengthening of coordination and cooperation for the domestic implementation of international law are performed by the Office of Legal Affairs, OHCHR, UNHCR and the United Nations Interregional Crime and Justice Research Institute.

3. Activities relating to dispute resolution at the international level

30. Activities relating to good offices, mediation, fact-finding, judicial proceedings and other means of settlement of international disputes are performed by the Department of Political Affairs, the Executive Office of the Secretary-General, the International Court of Justice, the Office of Legal Affairs, the Office of the United Nations Special Coordinator for the Middle East Peace Process and UNCTAD.

31. Activities relating to the provision of material and logistical support to States for the settlement of international disputes are performed by the Office of Legal Affairs.

4. Activities relating to conflict resolution and transitional justice

32. Activities relating to the establishment and operation of international and hybrid criminal tribunals are performed by the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia, the Office of Legal Affairs, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and OHCHR.

33. Activities relating to the establishment and operation of other transitional justice mechanisms (consultation processes, truth and reconciliation processes, fact-

finding and commissions of inquiry, protection of victims and reparation programmes) are performed by the Department of Peacekeeping Operations, the Department of Political Affairs, the International Criminal Tribunal for Rwanda, the Office of Legal Affairs, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, OHCHR, UNHCR, the United Nations Compensation Commission and UNDP.

34. Activities relating to capacity-building, dissemination and advocacy in the field of conflict resolution and transitional justice are performed by the Department of Economic and Social Affairs, the Department of Political Affairs, OHCHR and UNITAR.

35. Activities relating to the implementation of programmes combining capacity-building and technical assistance in the establishment and/or operation of national institutions and processes in the context of conflict resolution and transitional justice are performed by the Department of Peacekeeping Operations, the Department of Political Affairs, the International Tribunal for the Former Yugoslavia, OHCHR, UNICEF, UNIFEM and UNDP.

B. Activities relating to the promotion of the rule of law at the national level

1. Activities relating to the strengthening of administrative institutions, and public law and governance issues

36. Activities relating to capacity-building for public officials (in legislative bodies, human rights bodies, the public administration, etc.) in the field of the rule of law are performed by the Department of Economic and Social Affairs, the Department of Peacekeeping Operations, the Department of Political Affairs, ESCWA, the Office for the Coordination of Humanitarian Affairs, the Office of Legal Affairs, OHCHR, UNHCR, UNDP, UNEP, UN-Habitat, UNITAR and the United Nations Office on Drugs and Crime.

37. Activities relating to capacity-building for civil society institutions in the field of the rule of law are performed by the Department of Political Affairs, the International Criminal Tribunal for Rwanda, OHCHR, UNHCR, the United Nations Democracy Fund and UNDP.

38. Activities relating to the interim exercise of executive and administrative functions are performed by the Department of Peacekeeping Operations.

39. Activities relating to the preparation of model laws, manuals and other tools as general guidelines on legal reform are performed by the Department of Peacekeeping Operations, the Office of Legal Affairs, OHCHR, UNHCR, UNCTAD and the United Nations Office on Drugs and Crime.

40. Activities relating to the provision of technical assistance or advice to public institutions in the field of the rule of law (including legal reform, elections, human rights, public law issues (land and property, registration, national identification, citizenship and statelessness), corruption, money-laundering, gender issues, children's issues, protection of minorities, environment, etc.) are performed by the Department of Economic and Social Affairs, the Department of Peacekeeping Operations, the Department of Political Affairs, ESCWA, ECA, the International

Criminal Tribunal for Rwanda, the Office of Legal Affairs, OHCHR, UNHCR, the Office of the United Nations Special Coordinator for the Middle East Peace Process, UNCTAD, the United Nations Democracy Fund, UNIFEM, UNDP, UNEP, the United Nations Interregional Crime and Justice Research Institute, the United Nations Office for Project Services, the United Nations Office on Drugs and Crime, UNFPA and UN-Habitat.

41. Activities relating to the provision of technical assistance or advice to civil society institutions in the field of the rule of law are performed by OHCHR, UNDP and the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States.

42. Activities relating to the implementation of programmes combining capacity-building, dissemination and promotion of rule of law issues are performed by the Department of Political Affairs, OHCHR, UNIFEM, UNDP, the United Nations Interregional Crime and Justice Research Institute, the United Nations Office for Project Services, UNFPA and UN-Habitat.

43. Activities relating to the promotion and dissemination of rule of law issues are performed by the Department of Political Affairs, the Executive Office of the Secretary-General, the International Criminal Tribunal for Rwanda, UNAIDS, OHCHR, the United Nations Democracy Fund, UNFPA and UN-Habitat.

2. Activities relating to the administration of justice and law enforcement

44. Activities relating to capacity-building in the administration of justice and law enforcement are performed by the Department of Peacekeeping Operations, the Department of Political Affairs, the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia, UNAIDS, the Office of Legal Affairs, OHCHR, UNHCR, UNDP, UNEP, the United Nations Interregional Crime and Justice Research Institute and the United Nations Office on Drugs and Crime.

45. Activities relating to the provision of technical assistance or advice in the administration of justice and law enforcement are performed by the Counter-Terrorism Committee Executive Directorate, the Department of Economic and Social Affairs, the Department of Peacekeeping Operations, the Department of Political Affairs, the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia, the Office for Disarmament Affairs, OHCHR, UNHCR, the Office of the United Nations Special Coordinator for the Middle East Peace Process, UNCTAD, the United Nations Democracy Fund, UNDP, UN-Habitat, the United Nations Interregional Crime and Justice Research Institute, the United Nations Office for Project Services and the United Nations Office on Drugs and Crime.

46. Activities relating to the provision of material and logistical assistance in the administration of justice and law enforcement are performed by the Department of Peacekeeping Operations and UNDP.

47. Activities relating to assistance in monitoring and reporting on judicial proceedings and law enforcement are performed by the Department of Peacekeeping Operations, the International Criminal Tribunal for Rwanda, OHCHR and UNDP.

48. Activities relating to the strengthening of legal aid, access to justice and fair trial are performed by the Department of Economic and Social Affairs, the

Department of Peacekeeping Operations, the Department of Political Affairs, the International Criminal Tribunal for Rwanda, OHCHR, UNHCR, UNDP, UN-Habitat and the United Nations Office on Drugs and Crime.

49. Activities relating to the promotion of customary, traditional and community-based justice and dispute resolution mechanisms are performed by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, OHCHR, UNHCR and UNDP.

Annex

List of entities contacted for the purposes of the preparation of the inventory

Counter-Terrorism Committee Executive Directorate

Department of Economic and Social Affairs

Department for General Assembly and Conference Management

Department of Management

Department of Peacekeeping Operations

Department of Political Affairs

Department of Public Information

Department of Safety and Security

Economic and Social Commission for Asia and the Pacific

Economic and Social Commission for Western Asia

Economic Commission for Africa

Economic Commission for Europe

Economic Commission for Latin America and the Caribbean

Executive Office of the Secretary-General

Registry of the International Court of Justice

Registry of the International Criminal Tribunal for Rwanda

Registry of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Joint United Nations Programme on HIV/AIDS

Legal Liaison Office of the United Nations Office at Geneva

Office for Disarmament Affairs

Office for the Coordination of Humanitarian Affairs

Office of Central Support Services

Office of Human Resources Management

Office of Internal Oversight Services

Office of Legal Affairs

Office of Programme Planning, Budget and Accounts

Office of the Special Adviser on Africa

Office of the Special Representative of the Secretary-General for Children and Armed Conflict

Office of the United Nations High Commissioner for Human Rights

Office of the United Nations High Commissioner for Refugees

Office of the United Nations Special Coordinator for the Middle East Peace Process

United Nations Children's Fund

United Nations Compensation Commission

United Nations Conference on Trade and Development

United Nations Democracy Fund

United Nations Development Fund for Women

United Nations Development Programme

United Nations Environment Programme

United Nations Fund for International Partnerships

United Nations Human Settlements Programme

United Nations Institute for Disarmament Research

United Nations Institute for Training and Research

United Nations International Research and Training Institute for the Advancement of Women

United Nations Interregional Crime and Justice Research Institute

United Nations Office for Project Services

Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States

United Nations Office on Drugs and Crime

United Nations Population Fund

United Nations Relief and Works Agency for Palestine Refugees in the Near East

United Nations Research Institute for Social Development

United Nations University

World Food Programme